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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,125	12/28/2000	Brian John Cragun	ROC920000182US1	6696

7590 12/29/2004

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EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,125

Applicant(s)

CRAGUN ET AL.

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-19,23-26 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 5,10,20,26 and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 and 23-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-8, 10-18, 20 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al (US Pat No 5,805,763) in view of Sezan et al. (US Pat No 6,236,395).

In regard to claim 1, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". The claimed step of "encoding a rebroadcast program" is met by Figure 2, item 56. "The network communication interface 56 communicates with digital information carried over baseband frequencies below the conventional analog video signal frequencies, over frequencies between conventional analog video signal frequencies, and over frequencies above conventional analog video signal frequencies" (Col 6, Lines 1-6). The claimed steps of "specifying a preferred play time" and "providing a broadcast that fits the preferred play time" are met by Figure 1. The "recording device is associated with the head end 12. The head end monitors the record tags of all system users and if

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any user has set a record tag, the head end controls the recording device to record the program. The recorded program is stored at the head end 12, preferably on the continuous media servers 32. Users could then access the head end, on demand, to retrieve and view the recorded program. This alternative would allow multiple users to access a single recording of the program. Stored recordings could also be archived to allow access by users who, although they did not set a record tag, later wish to view the program" (Col 13, Lines 26-37). The recordings are available to the user on demand, therefore, the user specifies the preferred play time and the system provides a broadcast that fits the preferred play time. Lawler fails to explicitly disclose that "the rebroadcast program has a segment record and program data and wherein the segment record comprises a plurality of fields including a priority field", "the preferred play time is a duration", or "the broadcast includes a shortened duration version of the rebroadcast program". Sezan teaches "the rebroadcast program has a segment record and program data and wherein the segment record comprises a plurality of fields including a priority field", "the preferred play time is a duration", and "the broadcast includes a shortened duration version of the rebroadcast program" so as to create a highlight summary of the program which is of specific interest to the user (Col 9, Lines 9-33). "A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight" (Col 9,

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Lines 61-67; Col 10, Line 1). "A program description scheme 18 related to the video, still image, and/or audio information 10 preferably includes two sets of information, namely, program views and program profiles" (Col 4, Lines 40-44). The "program views may contain a set of fields that contain data for the identification of key frames, segment definitions between shots, highlight definitions, video summary definitions, different lengths of highlights, thumbnail set of frames, individual shots or scenes, representative frame of the video, grouping of different events, and a close-up view. The program view descriptions may contain thumbnail, slide, key frame, highlights, and close-up views so that users can filter and search not only at the program level but also within a particular program" (Col 4, Lines 46-55). If "a user prefers to watch a 5 minute video highlight of a particular program, such as a basketball game, the analysis module 42 may invoke a knowledge based system 90 (FIG. 3) to determine the highlights that form the best 5 minute summary" (Col 32-36). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with "the rebroadcast program has a segment record and program data and wherein the segment record comprises a plurality of fields including a priority field", "the preferred play time is a duration", and "the broadcast includes a shortened duration version of the rebroadcast program" so as to create a highlight summary of the program which is of specific interest to the user.

In regard to claim 2, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose encoding the program with a replay plan, which prioritizes portions of the rebroadcast. Sezan teaches encoding the program with a

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replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program (Col 9, Lines 9-33). "A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight" (Col 9, Lines 61-67; Col 10, Line 1). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with encoding the program with a replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program.

In regard to claim 3, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by any of limitations a)-f). Sezan discloses that the user may choose the length of the program summary; therefore, the play time is specified in response to a specific user request.

In regard to claim 6, Lawler discloses a CPU coupled memory for controlling the system. "A central processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the interactive station controller 18" (Col 6, Lines 7-9).

In regard to claims 7-8 and 10, Lawler discloses a CPU coupled memory for controlling the system. "A central processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the interactive station controller 18" (Col 6, Lines 7-9).

In regard to claim 11, Figure 1 shows a server system. "As shown in FIG. 1, the head end 12 of the illustrated interactive viewing system includes a digital local area network (LAN) 24 that includes multiple computer servers 26 for performing various interactive system applications or functions and a digital communication gateway 28 to a wide area network (WAN) (not shown). The servers 26, which store and process information at the head end, may include, for example, service and application servers 30, continuous media servers 32, and electronic program guide data servers 34" (Col 4, Lines 1-10). The users access the servers to retrieve and view the recorded program. The "recording device is associated with the head end 12. The head end monitors the record tags of all system users and if any user has set a record tag, the head end controls the recording device to record the program. The recorded program is stored at the head end 12, preferably on the continuous media servers 32. Users could then access the head end, on demand, to retrieve and view the recorded program. This alternative would allow multiple users to access a single recording of the program. Stored recordings could also be archived to allow access by users who, although they did not set a record tag, later wish to view the program" (Col 13, Lines 26-37).

In regard to claim 12, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". Lawler fails to explicitly disclose that the communications network comprises the Internet. However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to use the Internet as a communication network as to utilize a large far-reaching network. Consequently, it would have been obvious to one of ordinary skill in the art to implement

Lawler with the Internet as a communication network as to utilize a large far-reaching network.

In regard to claim 13, the disclosed interactive station controller 18, of Figure 1 and 2 of Lawler, contain the functional elements of a personal computer.

In regard to claims 14-15 and 17, Lawler discloses that the rebroadcast program is a television broadcast. Television broadcasts are inherently composed of both video and audio information.

In regard to claim 16, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". Lawler fails to explicitly disclose that the recorded program is a radio broadcast. However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to record a radio broadcast so as to listen to the broadcast at later time. Consequently, it would have been obvious to one of ordinary skill in the art to implement Lawler with recording a radio broadcast so as to listen to the broadcast at later time.

In regard to claims 18, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by either "audio", "video" "a radio broadcast" or "a television broadcast". Lawler discloses that the rebroadcast program is a television broadcast. Television broadcast are inherently composed of both video and audio information.

In regard to claims 20, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by either "audio", "video" "a radio broadcast" or "a television broadcast". Lawler discloses that the rebroadcast

program is a television broadcast. Television broadcast are inherently composed of both video and audio information.

In regard to claim 23, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose "assigning a priority to commercials which have been made to be shortened, dropped, or an alternative commercial substituted". The Sezan reference teaches the shorting of a program so as to allow a user to view the highlights of a program of interest. The program could be a commercial, where just the highlights would be shown. Also, Sezan discloses a commercial filter for "dropping" commercials. Consequently, it would have been obvious to one of ordinary skill in the art to implement Lawler with "assigning a priority to commercials which have been made to be shortened, dropped, or an alternative commercial substituted" so as to allow a user to view the highlights of a program of interest.

In regard to claim 24, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose encoding the program with a replay plan, which prioritizes portions of the rebroadcast. Sezan teaches encoding the program with a replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program (Col 9, Lines 9-33). "A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by

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audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight" (Col 9, Lines 61-67; Col 10, Line 1). Consequently, it would have been obvious to one of ordinary skill in the art to implement with encoding the program with a replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program. The combined teaching fails to explicitly disclose providing a packaging and playlist. However, the examiner takes OFFICIAL NOTICE that it is notoriously well know in the art to use packaging and playlists so as to organize multimedia content. Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with packaging and playlists so as to organize multimedia content.

In regard to claim 25, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose "providing a broadcast that fits the preferred play time comprises substituting an alternate program segment for a program segment of the rebroadcast program" and "an alternate segment is a segment that is not normally played when there are no time constraints, but can be played instead of an associated segment of a particular rebroadcast program". Sezan teaches "providing a broadcast that fits the preferred play time comprises substituting an alternate program segment for a program segment of the rebroadcast program" and "an alternate segment is a segment that is not normally played when there are no time constraints, but can be played instead of an associated segment of a particular rebroadcast program" so as to create a highlight summary of the program (Col 9, Lines 9-33). It is noted that the

examiner interprets the program summary to be the alternate segment. Consequently, it would have been obvious to one of ordinary skill in the art to implement with "providing a broadcast that fits the preferred play time comprises substituting an alternate program segment for a program segment of the rebroadcast program" and "an alternate segment is a segment that is not normally played when there are no time constraints, but can be played instead of an associated segment of a particular rebroadcast program" so as to create a highlight summary of the program.

In regard to claim 26, Lawler discloses "playing unlistened to material at a later time upon selection by a user". The "recording device is associated with the head end 12. The head end monitors the record tags of all system users and if any user has set a record tag, the head end controls the recording device to record the program. The recorded program is stored at the head end 12, preferably on the continuous media servers 32. Users could then access the head end, on demand, to retrieve and view the recorded program. This alternative would allow multiple users to access a single recording of the program. Stored recordings could also be archived to allow access by users who, although they did not set a record tag, later wish to view the program" (Col 13, Lines 26-37). The recordings are available to the user on demand, therefore, the user specifies the preferred play time and the system provides a broadcast that fits the preferred play time.

In regard to claim 27, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". The Sezan reference discloses an audio-visual information management system that creates time

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compressed program summaries. The combined teaching fails to explicitly disclose, "displaying a list of unlistened/unviewed material which can be selected by a user".

However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to display "a list of unlistened/unviewed material which can be selected by a user" so as to organize multimedia content. Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with packaging and playlists so as to organize multimedia content.

In regard to claim 28, the Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". The combined teaching fails to explicitly disclose that "the segment record comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field". However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to have a segment record that "comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field" so as to conform to the MPEG-7 standard. Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with a segment record that "comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field" so as to conform to the MPEG-7 standard.

In regard to claims 29 and 31-32, Sezan discloses shorting the program by dropping out segments. Sezan also discloses prioritization of segments of the

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rebroadcast to create a highlight summary of the program (Col 9, Lines 9-33). "A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight" (Col 9, Lines 61-67; Col 10, Line 1).

In regard to claim 30, Sezan discloses replacing low priority portions of the rebroadcast program with an alternate segment so as to create a highlight summary of the program (Col 9, Lines 9-33). It is noted that the examiner interprets the program summary to be the alternate segment.

4. Claims 4, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. in view of Hancock et al. (US Pat No 6,701,523).

In regard to claim 4, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by any of limitations 1)-3). Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, Lawler fails to explicitly disclose "a parental control system which dictates that a child only has so many minutes of viewing time left in their daily allocation". Hancock teaches "a parental control system which dictates that a child only has so many minutes of viewing time left in their daily allocation" so as to prevent a child's television viewing habits from interfering with the child's schooling. Consequently, it would have been obvious to one of ordinary skill in

the art to modify Lawler with "a parental control system which dictates that a child only has so many minutes of viewing time left in their daily allocation" so as to prevent a child's television viewing habits from interfering with the child's schooling.

In regard to claim 9, Lawler discloses a CPU coupled memory for controlling the system. "A central processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the interactive station controller 18" (Col 6, Lines 7-9).

In regard to claims 19, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by either "audio", "video" "a radio broadcast" or "a television broadcast". Lawler discloses that the rebroadcast program is a television broadcast. Television broadcast are inherently composed of both video and audio information.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. in view of Sezan et al. and further in view of the MPEG-7 Multimedia Description Schemes (Version 3.1).

In regard to claim 28, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". The Sezan reference discloses an audio-visual information management system that creates time compressed program summaries. The priority field is met by that discussed above for claim 1. The alternate segment specifier field is met by that discussed above for claim 25. The combined teaching fails to explicitly disclose a title field, a length field, a location field, a status field, a next field, or a previous field. The MPEG-7 Multimedia Description Schemes (Version 3.1) discloses a title field, a length field, a location field, a

status field, a next field, and a previous field. "The title of the AV content, which may contain a textual, an image, an audio and a video title. The latter are audiovisual identifiers of the content. The type of the title (e.g. original, popular, opus number) is specified using an attribute" (8.1.1.2). The length field is described as: "The duration of the AV content" (7.1.2.2). The location field is met by the MediaLocator, which is a "description scheme to specify the location of media segments by referencing the media data" (5.4.2.2). The status field is met by the state description scheme, where "State extends Analytic Model and allows the definition of a state with a class label and probability model" (13.3.1.2). The next and previous fields are met by the Structural aspects elements. "Description of the AV content from the viewpoint of its structure: the description is structured around segments that represent physical spatial, temporal or spatio-temporal components of the AV content. Each segment may be described by signal-based features (color, texture, shape, motion, audio features) and some elementary semantic information" (1.2). Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with a title field, a length field, a location field, a status field, a next field, and a previous field so as to conform to the MPEG-7 Multimedia Description Schemes.

Allowable Subject Matter

6. Claims 5, 10, 20 and 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 21-22 are allowed.

The prior art does not teach or fairly suggest the recited limitation of "wherein the rebroadcast program has a segment record and program data; wherein the segment record comprises a plurality of fields including any of: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field; wherein the status field specifies one of planned, played, hidden or forgotten; and wherein the providing a broadcast that fits the preferred play time comprises: setting a user mode to play; setting all segment status to planned and setting alternate segment status to starting a timer; until there are no more segments, getting the preferred play time value; detecting the user mode, the user mode being one of play, replay, fast forward or hidden; fast reverse; if the user mode is play, then: planning segments; and selecting a next planned segment; if the user mode is not play, and the user mode is replay, then: selecting a next planned or played segment; if the segment status is planned, then setting the mode to play; if the user mode is not play and not replay, and the user mode is fast forward, then: planning segments; and select a next planned or played segment; if the user mode is not play, not replay, and not fast forward, and the user mode is fast reverse, then: select a previous planned or played segment; if there are no more segments, then end; if there are more segments, then: play segment according to user mode; if a return mode is play or replay, then: set segment status to played and alternate segment status to forgotten; set the mode to the return mode; return to getting the preferred play time value until there are no more segments; if there are no more segments, then end."

Sezan discloses an audiovisual information system that creates a highlight summary of the program. Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". Both Sezan and Lawler taken alone or in combination fail to disclose the aforementioned limitation.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 8:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
December 21, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2600